

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: RECALLED ABBOTT INFANT
FORMULA PRODUCTS LIABILITY
LITIGATION**

Case No. 22 C 4148
MDL 3037

**This Document Relates to the Cases
Identified in Appendices A&B**

Hon. Judge Matthew F. Kennelly

**CASE MANAGEMENT ORDER NO. 12
(ORDER REGARDING DISMISSAL OF
CERTAIN PERSONAL INJURY CLAIMS)**

In consideration of the parties' stipulation of dismissal of certain personal injury claims, ECF 143, as a result of the Court's May 22, 2023 Case Management Order No. 10 (the Memorandum Opinion and Order on Motions to Dismiss Personal Injury Complaints), ECF 138, and associated briefing, IT IS SO ORDERED that the claims identified in Appendix A and Appendix B are DISMISSED in the following cases:

	<i>Case Name</i>	N.D. Ill Docket
1	<i>Abbott v. Abbott Laboratories, Inc.</i>	1:22-cv-04343
2	<i>Broussard v. Abbott Laboratories, Inc.</i>	1:23-cv-00737
3	<i>Contreras v. Abbott Laboratories, Inc.</i>	1:22-cv-04340
4	<i>Coselli v. Abbott Laboratories, Inc. D/B/A Abbott Nutrition</i>	1:23-cv-02019
5	<i>Davis v. Abbott Laboratories, Inc.</i>	1:22-cv-05558
6	<i>Delgado v. Abbott Laboratories, Inc.,</i>	1:23-cv-01360
7	<i>Ephraim v. Abbott Laboratories, Inc.</i>	1:22-cv-04159
8	<i>Hernandez v. Abbott Laboratories, Inc.</i>	1:22-cv-04423
9	<i>Holdridge v. Abbott Laboratories, Inc.</i>	1:22-cv-05088
10	<i>Joy v. Abbott Laboratories, Inc.</i>	1:22-cv-04347
11	<i>Laciste v. Abbott Laboratories, Inc.</i>	1:22-cv-04344
12	<i>Mendoza v. Abbott Laboratories, Inc.</i>	1:22-cv-04419
13	<i>Ornelas v. Abbott Laboratories, Inc.</i>	1:22-cv-04421
14	<i>Ramirez v. Abbott Laboratories Inc. D/B/A Abbott Nutrition</i>	1:23-cv-02016
15	<i>Rossick v. Abbott Laboratories, Inc. D/B/A Abbott Nutrition, et al.</i>	1:23-cv-03401
16	<i>Salinas v. Abbott Laboratories, Inc.</i>	1:22-cv-04420

	<i>Case Name</i>	N.D. Ill Docket
17	<i>San Miguel v. Abbott Laboratories, Inc. D/B/A Abbott Nutrition and Abbott Laboratories, Inc.</i>	1:23-cv-02515
18	<i>Stanwood v. Abbott Laboratories, Inc. D/B/A Abbott Nutrition</i>	1:23-cv-00844
19	<i>Stephens v. Abbott Laboratories, Inc.</i>	1:22-cv-04163
20	<i>Sweepston v. Abbott Laboratories, Inc. D/B/A Abbott Nutrition</i>	1:22-cv-03801
21	<i>Vincken v. Abbott Laboratories, Inc. D/B/A Abbott Nutrition</i>	1:22-cv-05590
22	<i>Williamson v. Abbott Laboratories, Inc.</i>	1:22-cv-05556

No party shall seek or be entitled to fees or costs associated with these dismissals.

This 12th day of July, 2023.


 The Honorable Matthew F. Kennelly
 U.S. District Court Judge

APPENDIX A

The following Plaintiffs consented to the dismissal of the following claims pursuant to the Appendix to Plaintiffs' Memorandum of Law in Opposition to Abbott's Omnibus Motion to Dismiss Plaintiffs' Personal Injury Complaints, ECF 87-1:

Plaintiff(s)	Action	Claims to Dismiss
Tyler Abbott	<i>Abbott v. Abbott Laboratories, Inc.</i> (originally M.D. Fla. No. 5:22-cv-00198) (transferred as N.D. Ill. No. 1:22-cv-04343)	Sixth Cause of Action: Unjust Enrichment Request for Declaratory/Injunctive Relief (Prayer for Relief E)
Regina Contreras	<i>Contreras v. Abbott Laboratories, Inc.</i> (originally D. Az. No. 2:22-cv-00739) (transferred as N.D. Ill. No. 1:22-cv-04340)	Count II: Strict Liability – Design and Manufacturing Defect, as to claim for Design Defect
Heather Davis	<i>Davis v. Abbott Laboratories, Inc.</i> (No. 1:22-cv-05558)	Count IV: Unjust Enrichment Count VII : Strict Liability - Design Defect Count IX: Negligent Design Defect Request for Declaratory/Injunctive Relief (¶ 124)

Plaintiff(s)	Action	Claims to Dismiss
Israel Ephraim Zelda Berger	<i>Ephraim v. Abbott Laboratories, Inc.</i> (originally S.D. Fla. No. 1:22-cv-20516) (transferred as N.D. Ill. No. 1:22-cv-04159)	First Cause of Action: Negligence, as to claim for Design Defect Second Cause of Action: Strict Product Liability, as to claim for Design Defect Sixth Cause of Action: Unjust Enrichment Request for Declaratory/Injunctive Relief (Prayer for Relief E) *To the extent the Complaint includes Design Defect Claim encompassed within other claims, Plaintiff agrees the design defect claim is dismissed. Plaintiff is not dismissing the claims in their entirety.
Jane Hernandez	<i>Hernandez v. Abbott Laboratories, Inc.</i> (originally W.D. Tex. No. 5:22-cv-00633) (transferred as N.D. Ill. No. 1:22-cv-04423)	(B) Strict Liability – Design and Manufacturing Defect, as to claim for Design Defect
William Holdridge Amanda Watkins	<i>Holdridge v. Abbott Laboratories, Inc.</i> (originally W.D. Ark. No. 5:22-cv-05174) (transferred as N.D. Ill. No. 1:22-cv-05088)	Count II: Strict Liability – Design and Manufacturing Defect, as to claim for Design Defect Count V: Negligent Misrepresentation

Plaintiff(s)	Action	Claims to Dismiss
Nicole Joy	<p><i>Joy v. Abbott Laboratories, Inc.</i></p> <p>(originally S.D. Fla. No. 9:22-cv-80606)</p> <p>(transferred as N.D. Ill. No. 1:22-cv-04347)</p>	<p>First Cause of Action: Negligence, as to claim for Design Defect</p> <p>Second Cause of Action: Strict Product Liability, as to claim for Design Defect</p> <p>Sixth Cause of Action: Unjust Enrichment</p> <p>Request for Declaratory/Injunctive Relief (Prayer for Relief E)</p> <p>*To the extent the Complaint includes Design Defect Claim encompassed within other claims, Plaintiff agrees the design defect claim is dismissed. Plaintiff is not dismissing the claims in their entirety.</p>

Plaintiff(s)	Action	Claims to Dismiss
Abigail Laciste Daniel Laciste	<i>Laciste v. Abbott Laboratories, Inc.</i> (originally M.D. Fla. No. 6:22-cv-00756) (transferred as N.D. Ill. No. 1:22-cv-04344)	First Cause of Action: Negligence, as to claim for Design Defect Second Cause of Action: Strict Product Liability, as to claim for Design Defect Sixth Cause of Action: Unjust Enrichment Request for Declaratory/Injunctive Relief (Prayer for Relief E) *To the extent the Complaint includes Design Defect Claim encompassed within other claims, Plaintiff agrees the design defect claim is dismissed. Plaintiff is not dismissing the claims in their entirety.
Magdalena “Maggie” Mendoza	<i>Mendoza v. Abbott Laboratories, Inc.</i> (originally S.D. Tex. No. 4:22-cv-02089) (transferred as N.D. Ill. No. 1:22-cv-04419)	(B) Strict Liability – Design and Manufacturing Defect, as to claim for Design Defect
Clarissa Ornelas Anthony Bermudez	<i>Ornelas v. Abbott Laboratories, Inc.</i> (originally S.D. Tex. No. 7:22-cv-00203) (transferred as N.D. Ill. No. 1:22-cv-04421)	(B) Strict Liability – Design and Manufacturing Defect, as to claim for Design Defect

Plaintiff(s)	Action	Claims to Dismiss
Cynthia Salinas	<i>Salinas v. Abbott Laboratories, Inc.</i> (originally S.D. Tex. No. 7:22-cv-00190) (transferred as N.D. Ill. No. 1:22-cv-04420)	(B) Strict Liability – Design and Manufacturing Defect, as to claim for Design Defect
Trevor Stephens	<i>Stephens v. Abbott Laboratories, Inc.</i> (originally N.D. Tex. No. 3:22-cv-00618) (transferred as N.D. Ill. No. 1:22-cv-04163)	Count II: Strict Liability – Design and Manufacturing Defect, as to claim for Design Defect
Jennifer Swepston	<i>Swepston v. Abbott Laboratories, Inc. D/B/A Abbott Nutrition</i> (No. 1:22-cv-03801)	First Cause of Action: Negligent Misrepresentation/ Omission Fourth Cause of Action: Strict Product Liability - Failure to Warn Fifth Cause of Action: Strict Product Liability - Manufacturing Defect
Tara Vincken Josh Vincken	<i>Vincken v. Abbott Laboratories, Inc. D/B/A Abbott Nutrition</i> (No. 1:22-cv-05590)	Count I: Negligent Misrepresentation/ Omission
Jessica Williamson	<i>Williamson v. Abbott Laboratories, Inc.</i> (No. 1:22-cv-05556)	Count VII: Strict Liability - Design Defect Count IX: Negligent Design Defect

APPENDIX B

The parties have conferred following the Court's May 22, 2023 Case Management Order No. 10 (Memorandum Opinion and Order on Motions to Dismiss Personal Injury Complaints), ECF 138, and now agree that the following claims in cases filed and/or transferred to MDL No. 3037 after December 13, 2022 (and therefore not subject to Abbott's Omnibus Motion to Dismiss Personal Injury Complaints, ECF 63 & 63-1) should have certain claims dismissed based on the application of Case Management Order No. 10 and/or claims that Plaintiffs conceded in their Appendix to Plaintiffs' Memorandum of Law in Opposition to Abbott's Omnibus Motion to Dismiss Plaintiffs' Personal Injury Complaints, ECF 87-1:

Plaintiff(s)	Action	Claims to Dismiss
Madelyn Broussard Tyler Broussard	<i>Broussard v. Abbott Laboratories, Inc.</i> (originally W.D. La. No. 6:23-cv-00102) (transferred as N.D. Ill. No. 1:23-cv-00737)	Request for Equitable Relief (§ 98)
Natalie Coselli Tyler Rowland	<i>Coselli v. Abbott Laboratories, Inc. D/B/A Abbott Nutrition</i> (No. 1:23-cv-02019)	Eleventh Cause of Action: Fraudulent Concealment Thirteenth Cause of Action: Unjust Enrichment
Harry Delgado	<i>Delgado v. Abbott Laboratories, Inc.,</i> (originally N.D. Tex. No. 1:23-cv-01360) (transferred as N.D. Ill. No. 1:23-cv-01360)	Count II: Strict Liability – Design and Manufacturing Defect, as to claim for Design Defect Count IX: Fraudulent Concealment Count XI: Unjust Enrichment
Randa Ramirez Paydon Ramirez	<i>Ramirez v. Abbott Laboratories Inc. D/B/A Abbott Nutrition</i> (No. 1:23-cv-02016)	Eleventh Cause of Action: Fraudulent Concealment Thirteenth Cause of Action: Unjust Enrichment

Plaintiff(s)	Action	Claims to Dismiss
Deborah M. Rossick Jacob M. Goding	<i>Rossick v. Abbott Laboratories, Inc. D/B/A Abbott Nutrition, et al.</i> (No. 1:23-cv-03401)	Count XX: Violation of Florida's Deceptive And Unfair Trade Practices Act Fla. Stat. §§ 501.201-213 Against Abbott Laboratories, as to the request for Injunctive Relief (¶ 234) ¹
Riley San Miguel Noah San Miguel	<i>San Miguel v. Abbott Laboratories, Inc. D/B/A Abbott Nutrition and Abbott Laboratories, Inc.</i> (No. 1:23-cv-02515)	(I) Fraudulent Concealment ² *Plaintiff reserves the right to raise as a defense at trial
Britani Stanwood Reginal Wright	<i>Stanwood v. Abbott Laboratories, Inc. D/B/A Abbott Nutrition</i> (No. 1:23-cv-00844)	Eleventh Cause of Action: Fraudulent Concealment Thirteenth Cause of Action: Unjust Enrichment

¹ Plaintiffs have indicated that they intend to amend their Complaint. Abbott reserves the right to re-raise this issue should the amended complaint reassert this claim.

² Plaintiffs have indicated that they intend to amend their Complaint. Abbott reserves the right to re-raise this issue should the amended complaint reassert this claim.